



OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

*Attorneys at Law*

599 Lexington Ave, Fl 17  
New York, New York 10022  
Telephone: 212-492-2500  
Facsimile: 212-492-2501  
www.ogletree.com

Evan B. Citron  
212-492-2068  
evan.citron@ogletree.com

June 28, 2023

**VIA ECF**

The Honorable Jesse M. Furman  
United States District Judge  
United States District Court  
Southern District of New York  
40 Centre Street, Room 2202  
New York, NY 10007

Re: *Charles v. Pinnacle Too, LLC et al.*  
1:22-cv-04232 (JMF)

Dear Judge Furman:

We represent defendants FrankCrum 6, Inc. and Frank Crum Jr. (The “FrankCrum Defendants”) in the above-referenced matter. In accordance with Rule 2.E of Your Honor’s Individual Rules and Practices, and for the reasons set forth below, we respectfully write to request an adjournment of the conference currently scheduled for June 29, 2023 (the “June 29 Conference”), until July 10, 2023, or some subsequent date that is convenient for the Court.

In May 2023, in the course of discussions regarding this case, I notified counsel for Plaintiff, Mr. Lee, that I would be out-of-the-state throughout the second half of June 2023, appearing at a class-action trial in the Middle District of Pennsylvania that was scheduled to run until June 30, 2023. In so doing, I noted that, although I would endeavor to continue to attend to outstanding discovery items in this action, my availability during that time, and the period leading up to the trial, would be extremely limited. I reminded Mr. Lee of those facts as recently as June 15, 2023, just before I traveled to Harrisburg, Pennsylvania, for that trial. Although my trial closed slightly ahead of schedule, I only returned to New York from Pennsylvania this evening.

In light of the foregoing, we respectfully request an adjournment of the June 29 Conference until July 10, 2023, or some subsequent date that is convenient for the Court. In the interim, the FrankCrum Defendants will work toward addressing any outstanding discovery items, so that they may obviate the need for the conference.

The Honorable Jesse M. Furman  
June 28, 2023  
Page 2

This is Defendant's first request for the relief sought herein.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

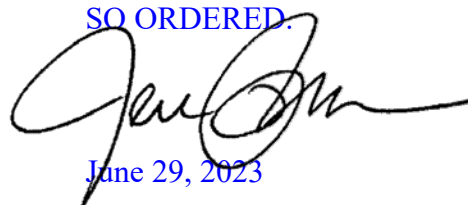
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

By: /s/ Evan B. Citron  
Evan B. Citron

cc: All counsel of record (via ECF)

In its June 12, 2023, endorsement, the Court admonished "counsel to do better going forward to work through their differences in good faith." ECF No. 56. The parties' letters of the last week do not suggest that the message got through. Be that as it may, the Court will give counsel an opportunity to work together to get this case back on track. To that end, the conference today is CANCELED. Counsel shall confer and, no later than July 10, 2023, counsel to the FrankCrum Defendants shall file a joint status letter regarding the issues raised in Plaintiff's letter motion and indicating whether there are any open issues requiring Court intervention -- in which case the Court will reschedule a conference. The Court hopes and trusts that counsel can do what needs to be done on their own.

The Clerk of Court is directed to terminate Docket No. 60.

SO ORDERED.  
  
June 29, 2023